HIGH COURT OF DELHI : NEW DELHI

Judgment reserved on : October 03, 2007
Judgment delivered on : October 29, 2007

W.P. (C) No. 3833/2007

Union of India & Ors ...Petitioner
! Through: Mr. H.K. Gangwani, Advocate

versus

$ Shri Rakesh Pandey & Anr. ...Respondent
^ Through: Mr. R.V. Sinha, Advocate

***CORAM:**

HON'BLE MR. JUSTICE A.K.SIKRI
HON'BLE MR. JUSTICE VIPIN SANGHI

1. Whether the Reporters of local papers may be allowed to see the judgment?

2. To be referred to Reporter or not?

3. Whether the judgment should be reported in the Digest?

VIPIN SANGHI, J.
:

1. The Union of India impugns the order passed by the Central Administrative Tribunal, Principal Bench, New Delhi (for short 'the Tribunal') passed in O.A.No.846/2006, filed by the respondents, whereby the Tribunal allowed their original application filed under Section 19 of the Administrative Tribunal Act. The Tribunal, inter-alia, directed the petitioner herein to refix the pay of the

respondents by counting the increments earned by them while working with temporary status, within a period of two months.

2. The respondents were initially appointed as a casual workers sometime in year 1990-91. They were granted temporary status in October 1997. Respondent No.1 & 2 were thereafter appointed to regular posts of Peon and Farash with effect from 22.8.2006 and 2.3.2006 respectively. During the period that they were holding temporary status, the respondents earned yearly increments in the pay scale of Rs.750-940 (pre-revised) w.e.f. the dates of their being given temporary status. However when they were regularised in service, the petitioner sought to fix their pay at the minimum stage of the pay scale of Rs.2,550-3200 i.e. at Rs.2,550/- per month w.e.f. from their respective dates of regularisation thereby taking away the annual increments earned by them over a period of nine years in temporary capacity. This was challenged by the respondents before the Tribunal in the aforesaid O.A.

3. The Tribunal relying on its earlier decisions in ***M.K.Rajan & Ors, V. Union of India*** in O.A. 606/2001 decided on 12.10.2001, in respect of which the special leave petition, being SLP (Civil No.11667/02) was dismissed on 4.8.2003, & ***Nathu Singh & Ors. V. Union of India & Ors***, 2002(1) ATJ8 and ***Giriraj***

Sharma v. UOI & Ors, O.A. No.65 of 2005, decided on 2.9.2005 allowed the aforesaid O.A.

4. Our attention has been drawn to two orders of this Court in W.P(C)11884/2005, ***UOI v. Kailash Chand & Ors.,*** and in W.P. (C) No.2317/2002, ***UOI v. Nathu Singh & Ors.,*** whereby similar writ petitions filed by the UOI have been dismissed by this Court. While dismissing the writ petitions, the Division Bench of this Court took note of the fact that the Kerala High Court had taken a similar view as taken by the Tribunal in those cases, and the Supreme Court had also dismissed the special leave petition against the judgment of the Kerala High Court. In fact the judgment of the Kerala High Court has even been implemented.

5. Following the aforesaid decisions of this Court, we find no merit in this petition and dismiss the same.

VIPIN SANGHI
JUDGE

A.K. SIKRI
JUDGE

October 29, 2007
P.K. BABBAR